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10 Attorneys for Defendant,
11 Patrick Byrne

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ROBERT HUNTER BIDEN, an
15 individual,

16 Plaintiff,

17 vs.

18 PATRICK M. BYRNE, an individual,
19 Defendant.

20 Case No.: 2:23-cv-09430-SVW-PD
21 Judge: Honorable Stephen V. Wilson
22 Courtroom: "10A"

23 Complaint Filed: November 8, 2023

24 **DECLARATION OF MICHAEL C. MURPHY, ESQ. IN SUPPORT OF DEFENDANT PATRICK BYRNE'S DEFENDANT'S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY OR EVIDENCE OF PLAINTIFF'S ALLEGED LOST BUSINESS OPPORTUNITIES WITHIN THE JEWISH**

25 Date: November 25, 2024
26 Time: 3:00 p.m.
27 Courtroom: "10A"

1 I, Michael C. Murphy, Esq., declares as follows:

2 1. I am an attorney duly authorized and licensed to practice law before
3 this Court and all the state courts located throughout the State of California. I am
4 an attorney with the Law Offices of Michael C. Murphy, attorneys of record for
5 Defendant Patrick Byrne. This Declaration is executed in support of Defendant's
6 Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment.
7 I have personal knowledge of the facts stated in this Declaration and if called upon
8 to testify, I would competently do so.

9 2. On November 8, 2023, Plaintiff Robert Hunter Biden ("Plaintiff")
10 filed his complaint alleging a single cause of action for defamation per se.

11 3. On February 13, 2024, Defendant Patrick Byrne ("Defendant") filed
12 his answer and affirmative defenses.

13 4. On August 16, 2024, I took the deposition of Plaintiff, Robert Hunter
14 Biden. Attached hereto as Exhibit A are true and correct copies of pages 72, Line 4
15 to page 81, line 23 with the certification page by the court reporter.

16 5. I declare under penalty of perjury under the laws of the United States
17 of America that the foregoing is true and correct. This Declaration was executed
18 on November 6, 2024, at Westlake Village, CA.

19 By: /s/ Michael C. Murphy, Esq.
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Exhibit “A”

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3

4 ROBERT HUNTER BIDEN, an)
individual,)

5 Plaintiff,)

6 vs.)

7 PATRICK M. BYRNE, an)
8 individual,)

9 Defendants.)
10

Certified Copy

CASE NO.:

2:23-cv-09430-SVW-PD

11 Confidential Subject to Protective Order
12

13 CONFIDENTIAL REMOTE VIDEOCONFERENCE DEPOSITION
14

15 OF ROBERT HUNTER BIDEN
16

17 DATE: Friday, August 16, 2024

18 TIME: 9:35 a.m. to 3:02 p.m.

19 REMOTE LOCATION: Malibu, California
20

21
22 STENOGRAPHICALLY REPORTED BY:
23 Grace M. Thompson, CSR No. 8194
24
25

1 The Remote Videoconference Deposition of ROBERT HUNTER
2 BIDEN, taken on behalf of the Defendant, before Grace M.
3 Thompson, a Certified Shorthand Reporter, commencing at the
4 hour of 9:35 a.m. on Friday, August 16, 2024, remotely at
5 Malibu, California.

6 V I D E O C O N F E R E N C E A P P E A R A N C E S
7

8 For Plaintiff:

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15 ~ AND ~

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The Videographer: ROBERT MAC TAVISH

Also Present: PATRICK BYRNE

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I N D E X

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Deposition of ROBERT HUNTER BIDEN

Examination by Mr. Murphy 9

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Exhibit 601 Plaintiff's Objections to
Defendant's Amended Notice of
Deposition of Plaintiff Robert
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Exhibit 602 Plaintiff Robert Hunter
Biden's Rule 26 Supplemental
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Exhibit 603 Plaintiff Robert Hunter Biden's
Responses to Defendant Patrick
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Exhibit 604 Stipulation for Protective
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Exhibit 605 Complaint for Damages for
Defamation; 38 pages 21

Exhibit 606 Affidavit dated April 1, 2024;
3 pages 43

Exhibit 607 Letter dated October 26, 2023,
to Patrick Byrne from Abbe
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Exhibit 608 Document beginning with Bates
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4	Exhibit 611	File entitled "Podcasts"; 10 pages	122
5	Exhibit 612	File entitled "International Press"; 18 pages	123
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8	Exhibit 622	New York Post article entitled Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad; 13 pages	132
9	Exhibit 623	Independent article entitled Not many people are buying Hunter Biden's new book; 9 pages	134
10	Exhibit 624	New York Post article entitled Hunter Biden's drug- and sex-fueled memoir is a big fat flop; 11 pages	135
11	Exhibit 625	Screenshot of an Amazon page for the book Laptop from Hell: Hunter Biden, Big Tech, and the Dirty Secrets the President Tried to Hide; 8 pages	136
12	Exhibit 626	National Security article entitled Analysis of Hunter Biden's hard drive show he, his firm took in about \$11 million from 2013 to 2018, spent it fast; 9 pages	137

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16

INFORMATION REQUESTED

17

(None)

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QUESTIONS REFUSED TO ANSWER

23

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24

25

1 Q. We'll get into that a little bit later, I just
2 want to know if you ever saw those articles and you said
3 no.

4 Do you know of anybody in your Jewish community
5 where you live that has refused to do business with you as
6 a result of the statements Mr. Byrne published in the
7 article that's the -- attached to your Complaint?

8 A. I can't prove a negative, Mr. Murphy.

9 Q. Are you actively involved in your Jewish
10 community?

11 A. Yes.

12 Q. Okay. And do you actually go to temple
13 regularly?

14 A. I go with my wife to High Holy Days and we have
15 Shabbat dinner every Friday night. We light candles with
16 my son and we usually have a Shabbat dinner with friends at
17 least once a month, whether it's over in Silver Lake or
18 whether it's my wife's other friends. They're very close
19 like my family.

20 Q. And are there other activities that your temple
21 has that you go to as a part of your involvement in the
22 Jewish community?

23 A. We go to a number of events. Because it's a --
24 also a -- it's called a Gan school which is part of the
25 Chabad community and I'm very close to the -- to the rabbi

1 there and to his brothers which run six other Chabad
2 centers here in Los Angeles.

3 Q. And how would you describe your relationship with
4 the people in your Jewish community? Is it good? Bad?
5 Indifferent?

6 MR. LOWELL: Objection. Can -- let me make sure
7 I understand. You said how would you describe your
8 relation?

9 BY MR. MURPHY:

10 Q. Relationship with the people in your Jewish
11 community that you're involved with.

12 MR. LOWELL: I object to the form of the question,
13 I'm sorry.

14 BY MR. MURPHY:

15 Q. You can go ahead and answer it.

16 A. Okay. I am -- how would I describe my
17 relationship with the people in my -- well, number one, I
18 am -- I am Catholic and my wife is Jewish and -- but I
19 honor her faith and I honor my son's faith in that. And so
20 like many families, I participate fully in what is
21 something that is very important to her, to her family, to
22 her community, which has become my community.

23 And I would say that I can't speak for everyone
24 that I know that is either an acquaintance or has become
25 someone that I know through that community, what they think

1 about me, but I know what I think about them. And I have
2 appreciated their support in the past, but I also think
3 that it's been a really difficult time with the level of
4 disinformation and lies.

5 And, you know, when somebody like Mr. Byrne goes
6 out and says these things, I don't know when I go to
7 synagogue with my wife whether someone is looking at me and
8 questioning whether or not I participated in mass murder.
9 I don't know. It's a very, very disconcerting thing.
10 Because they don't all know me personally, but they do read
11 the things that Mr. Byrne writes and they have read the
12 things on social media and they have read the things in
13 other news organizations as it relates to what Mr. Byrne
14 said. So the level of discomfort is real. And it's beyond
15 discomfort. It's -- it's -- it's frightening. It's
16 frightening for my wife in particular.

17 Q. Can you give me the names of anybody, anybody in
18 your Jewish community, that read Mr. Byrne's article and
19 discussed it with you?

20 A. Again, Mr. Murphy, I can't prove a negative. I
21 don't know who -- I don't -- no one has come up to me
22 and -- that I know their names and -- and -- and affirmed
23 that they absolutely 100 percent believe. But can I say
24 that I don't feel that some people look at me askance in
25 that community and wonder, just wonder, maybe if this -- if

1 it could be true? I think --

2 Q. Ever been --

3 A. I --

4 Q. Have you --

5 A. You know, I mean it's kind of like, you know,
6 it's -- let me just say this: I understand that you're
7 doing your job, Mr. Murphy.

8 Q. I don't want -- look it, look it, you're going way
9 beyond in your --

10 A. I'm answering your question.

11 Q. No, no.

12 A. I want to say something really --

13 Q. We've gone way beyond and I'm going to cut you
14 off. What I'd like to know --

15 A. Mr. Murphy, you just said that you're not going to
16 cut me off when I'm going to answer the question. I'm
17 answering --

18 Q. You know what, I'm going to cut you off because --
19 (Simultaneous Cross-Talk)

20 THE STENOGRAPHIC REPORTER: Gentlemen.

21 BY MR. MURPHY:

22 Q. You're saying things that I didn't ask. I didn't
23 ask for any of that. All I ask, and it's a very, very
24 simple question, very simple, was there anybody from the
25 Jewish community that approached you personally and said

1 they have read Mr. Byrne's article and they were concerned
2 about you and they -- there was a -- there was an
3 indication that you got that had a negative impact on the
4 relationship with anybody that you had in your Jewish
5 community. That's my question. That's the only question I
6 have. It's "yes" or "no."

7 A. No, it isn't "yes" or "no," Mr. Murphy. It's not
8 even nearly "yes" or "no." You're asking me whether or not
9 anybody in the Jewish community that I have been -- that
10 I'm involved in through my wife has a negative opinion of
11 me based upon what Mr. Byrne said. You keep asking me
12 questions that are not simple, Mr. Murphy. They're not
13 simple. And what I'm trying to tell you is that has anyone
14 come up and screamed in my face? Yes, people have done
15 that. I came -- I was -- whether or not they were -- I
16 would consider them part of my Jewish community, but I'm
17 accosted all the time. I'm accosted. My wife was accosted
18 on the beach the other day by someone wearing a MAGA hat.
19 Do I know --

20 Q. I'm asking about the Jewish community, not what
21 happens on a beach.

22 A. Well, I don't know whether the person was Jewish
23 or not because they didn't wear --

24 Q. I'm not asking even that. I'm asking about --

25 A. How do you know whether they're Jewish or not?

1 Q. I'm asking about the people in your Jewish
2 community.

3 MR. LOWELL: That's why I'm objecting.

4 BY MR. MURPHY:

5 Q. Let me share something with you.

6 MR. LOWELL: I'm sorry, I have to object. I
7 don't know what you mean by Jewish community. Do you mean
8 has anybody at his synagogue said something to him? The
9 Jewish community doesn't exist the way your question
10 exists.

11 MR. MURPHY: Well, you know what, sir, I'm taking
12 your answers to the interrogatories. That's what you said
13 in your answer to your -- our interrogatories. So I'm just
14 using your phraseology.

15 MR. LOWELL: So we might have to read the
16 interrogatory and the answer.

17 MR. MURPHY: You said it had a negative impact
18 on your relationship with the people in your Jewish
19 community and you have lost business opportunities. That's
20 what the answer to the interrogatory says. So he has to
21 know who his Jewish community is because he signed the
22 verification, and I confirmed is this your statements and
23 he said yes.

24 MR. LOWELL: Now we understand --

25 MR. MURPHY: Now I'm asking follow-up questions

1 that pertain to those answers to the interrogatories.

2 BY MR. MURPHY:

3 Q. I want to share something with you. I understand
4 the interactions between a Jewish community, a Catholic
5 community, and a Christian community. I'm Catholic, my
6 wife is Christian, and our daughter is Jewish. And she
7 went to all of the Jewish activities in a temple in East --
8 in West Los Angeles with her grandparents because she came
9 from a previous marriage. So I understand all of those
10 relationships. I understand those.

11 So, all I'm asking is using your terminology and
12 your answer to our interrogatory, on this Jewish community
13 that you mention in your answers to our interrogatories
14 was there anybody that came up to you, actually came up to
15 you and personally said anything negative to you as a
16 result of what Mr. Byrne published? That's all I want to
17 know.

18 MR. LOWELL: Objection.

19 BY MR. MURPHY:

20 Q. And if they are, I want to know who they are. I
21 want to know who they are.

22 MR. LOWELL: Okay, objection. You changed the
23 question. I think what you're asking is has anybody cited
24 Mr. Byrne's article in the things they say to Mr. Biden.
25 Is that your question?

1 MR. MURPHY: No, that is not my question.

2 MR. LOWELL: Say it again then, please.

3 MR. MURPHY: Well, why don't you not restate my
4 questions and let him answer them and stop coaching.

5 BY MR. MURPHY:

6 Q. What I want to know is --

7 MR. LOWELL: I'm not coaching.

8 BY MR. MURPHY:

9 Q. -- did anybody -- did anybody --

10 MR. LOWELL: I'm not coaching. Why don't you
11 rephrase your question.

12 BY MR. MURPHY:

13 Q. Did anybody, anybody, from your Jewish community
14 in the one you're describing in your answers to the
15 interogs come up to you and confront you about something
16 that Mr. Byrne had written in his article, anybody?

17 A. I do not have anybody's name that came up to me
18 in the -- and, again, my Jewish community is larger. I
19 don't -- again --

20 Q. Whatever.

21 A. Understand that I'm saying is that my -- we are
22 very -- it's a small-knit community around here. And the
23 school that Beau goes to but doesn't attend at the moment
24 but went to and the Chabad rabbis here in Southern
25 Los Angeles did not cite any article to me in their

1 concerns as it related to myself or my family's position as
2 it related to what is going on in Israel right now.

3 Q. Okay.

4 MR. LOWELL: By the way, Mr. Murphy, I object to
5 your mischaracterizing his answer to the interrogatory as
6 the premise of your question.

7 MR. MURPHY: Good. Your objection is noted.

8 BY MR. MURPHY:

9 Q. What I'd like to also know is separate and apart
10 from somebody approaching you, are you aware of anybody in
11 your Jewish community who talked about you and the Byrne
12 article and you heard it from some other person where there
13 was gossip going on between other people and you heard
14 about it and it was in connection with negative comments
15 being made about you by Mr. Byrne in his article? And
16 we're only focusing on Mr. Byrne and his article.

17 MR. LOWELL: Objection to the compound question.
18 And for the record, his response that you have quoted says,
19 "Given plaintiff's connections to the Jewish community to
20 his wife and child, this likely has caused significant
21 repercussions to plaintiff's economic opportunities."
22 That's not the way --

23 MR. MURPHY: I would appreciate it if you would
24 stop coaching him. It's improper. It's an --

25 MR. LOWELL: Nothing about what I just did is

1 coaching --

2 MR. MURPHY: It's against the rules --

3 MR. LOWELL: -- or improper.

4 MR. MURPHY: It's against the rules for you to
5 coach him and interrupt a question I'm asking him about
6 something that I already covered with him and I already got
7 the answer I wanted.

8 MR. LOWELL: Okay.

9 MR. MURPHY: Now all I'm doing is asking a
10 follow-up question.

11 MR. LOWELL: Okay, but --

12 BY MR. MURPHY:

13 Q. Is there anybody -- are you aware of anybody in
14 the Jewish community that was making negative comments
15 about you where it wasn't directed to you but where it came
16 to you in the form of a rumor because of something that
17 Mr. Byrne wrote in his article?

18 A. I think that your question is incredibly expansive
19 and inartful and does not accurately characterize the way
20 in which we characterize what is the Jewish community in my
21 interrogatories. And so what I would like to say is this,
22 is that I cannot prove a negative, Mr. Murphy. I cannot
23 prove a negative.

24 Q. Okay.

25 A. And all I know is that if you're asking me if --

REPORTER'S CERTIFICATE

I, GRACE M. THOMPSON, a Certified Shorthand
Reporter licensed by the State of California, do hereby
certify:

That prior to being examined, the witness named in
the foregoing deposition was sworn by me to testify to the
truth, the whole truth, and nothing but the truth;

That the said deposition, taken down by me in
stenotype, was thereafter reduced to printed matter by
computer-aided transcription under my direction and
supervision;

That the foregoing transcript is a true record of
the testimony given by the witness and of all objections
made at the time of the examination, to the best of my
ability. That no review of the transcript was requested.

I further certify that I am not in any way
interested in the outcome of this action and that I am not
related to any of the parties thereto.

In witness whereof, I have hereunto subscribed my
name this 19th day of August, 2024.

Gracie Thompson

GRACE M. THOMPSON
C.S.R. No. 8194